

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**JOINT MOTION FOR STAY OF CLAIMS AS
AGAINST DEFENDANT LASALLE NATIONAL BANK**

Plaintiffs and Defendant Bank of America, N.A., as successor by merger to LaSalle National Bank in its capacity as former trustee for Impac CMB Trust Series 1999-1 (“LaSalle”) jointly move the Court to stay all motions and proceedings in connection with Plaintiffs’ claims against LaSalle. In support of this motion, Plaintiffs and LaSalle state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri’s Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*
2. Plaintiffs and LaSalle have reached an agreement that, if approved, will settle and resolve the claims of those class members who obtained the loans for which Plaintiffs seek to hold LaSalle liable as against LaSalle, but not as against any other Defendant(s) also alleged to be liable on such loans. Plaintiffs and LaSalle need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.
3. Given the settlement, the continued prosecution of the claims against LaSalle is unnecessary and will detract from the settling parties’ ability to implement their settlement.

Accordingly, Plaintiffs and LaSalle respectfully request this Court to grant a stay with respect to all motions and other proceedings related to Plaintiffs' claims against LaSalle, including without limitation LaSalle's Motion for Summary Judgment (Doc.'s 686, 688), and Plaintiffs' Motion for Partial Summary Judgment, *but solely as to LaSalle* (Doc.'s 703, 704), and LaSalle's Motions to Exclude Testimony of Dr. Kurt V. Krueger (Doc.'s 668, 670, 687, and 689).

4. No other claims, motions, discovery or other case activity should be stayed against any other Defendant.

5. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs and Defendant Bank of America, N.A., as successor by merger to LaSalle National Bank in its capacity as former trustee for Impac CMB Trust Series 1999-1 respectfully request that the Court enter an Order staying all motions and proceedings relating to Plaintiffs' claims against LaSalle as stated above.

Date: October 10, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

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**ATTORNEYS FOR DEFENDANT BANK OF
AMERICA, N.A., AS SUCCESSOR BY
MERGER TO LASALLE NATIONAL BANK,
IN ITS CAPACITY AS FORMER INDENTURE
TRUSTEE OF TERMINATED TRUST IMPAC
CMB TRUST SERIES 1999-1**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 10th day of October 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

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/s/ Kip D. Richards